

United States Bankruptcy Court
for the District of Oregon

CLERK, U.S. BANKRUPTCY COURT DISTRICT OF OREGON	
JUL 27 2011	
LODGED _____	REC'D _____
PAID _____	DOCKETED _____

Frank R. Alley, III, Judge
Barbara D. Ivey, Judicial Assistant
Lee D. Brice, Law Clerk



405 East Eighth Ave., Suite 2600
Eugene, Oregon 97401
(541) 431-4055
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July 27, 2011

Ms. Carol Martin
1113 Candlelight Dr.
Eugene, OR 97402

RE: Case No: 11-63211-fra7 CAROL JUNE MARTIN

Dear Ms. Martin:

I am writing in response to your objection to the court's "Notice of Intent to Not Grant the Debtor(s) a Discharge." The grounds given by the court are that you received a discharge in a previous chapter 7 case filed within eight years of your present case. As I will explain, the court's grounds for denial of a discharge are correct.

The Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA) made widespread changes to the Bankruptcy Code, most of which were effective for bankruptcy cases filed on or after October 17, 2005. 11 U.S.C. § 727(a)(8) contains one such change, effective for cases filed on or after October 17, 2005. That provision now states that a debtor cannot receive a discharge in a chapter 7 case if that debtor received a discharge in a previous chapter 7 case which had been filed within eight years of the filing date of the present case. Prior to BAPCPA, the minimum number of years between cases was six.

Since your present chapter 7 case was filed June, 28, 2011, after the effective date of BAPCPA, your present bankruptcy case is subject to the changes made to the Bankruptcy Code by BAPCPA, including the change to eight years found in Code § 727(a)(8). You cannot receive a discharge in your present, post-BAPCPA, case because your previous chapter 7 case was filed within eight years of your present case.

An order will be entered overruling your objection.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank R. Alley, III".

FRANK R. ALLEY, III
Chief Bankruptcy Judge

cc: Ron Sticka, Trustee